

DRAFT ONLY – Minutes of April 20, 2011

ATTENDEES: Arnie Rosenblatt - Chairman, Sally Wilkins, Marilyn Peterman,
Gordon Leedy, Cliff Harris, Mike Dell Orfano, Richard Hart,
Charlie Tiedemann – Planning Director

Chairman Rosenblatt opened the meeting at 7:30 p.m.

Minutes:

April 6, 2011:

Line 73: Add 'blocked the access road from the view from North Meadow Road.'

Line 86: Change from 80' to 103'

Line 129: Add 'Arnie Rosenblatt asked can you show us the fake trees?'

Line 97: Cliff asked what was PCS? Keith responded personal communication.

Cliff Harris moved to approve the minutes of 4/6/11 as amended. Gordon Leedy seconded. Gordon Leedy abstained from the vote. All others were in favor.

Lots 2-169-2 and 3 Boston Post Road: *Discussion Only of Affordable Housing Proposal* – Ducal Development, LLC

Ken Clinton, LLS, from Meridian Land Services and representing the owners, presented this item for discussion. This is a four building complex of Affordable Housing. This is to present the initial thought of what they would like to do and get some feedback from the Board. This is two previously approved lots, a total of 5.2 acres, net tract is 4.3 acres, yielding 8 units. A 300 foot private road is planned, and to be served by Pennichuck Water. The unit elevation is a slight variation of what has been done before but with one bedroom on one side and three bedrooms on the other side to create diversity. Looking for clarification regarding financial review of the project. Ken would like it more clear, or if another previous application could be followed or used as a guide Ken would appreciate that as well.

Sally Wilkins questioned 3 bedroom units with 1300 square feet? Ken Clinton said yes, it will be tight. The total two units would have 2600 sf. Charlie Tiedemann said 1300 sf per unit would have to be met. Ken said that one bedroom on one side and three on the other would be attempted. The concern of Mike Dell Orfano is that Affordable Housing should be integrated in the community. If multifamily could be put there, he would like to see that. Mr. Dell Orfano is not in favor of having a lot of density of two family homes clustered together, it stigmatizes the neighborhood and he is concerned about that. Marilyn Peterman understands that the units would blend in with the surrounding area. There are homes in today's market that are currently more affordable. Marilyn Peterman does not understand how Mike determines what is and is not okay. There should be some consistency with this Affordable Housing. Marilyn Peterman suggested the homes in this area are moderate homes. Sally Wilkins suggested the Board was trying to avoid giant complexes with the ordinance. Cliff Harris would like to walk the site to see how it

would be laid out, these will be rental units, and how long must they be affordable?
Charlie responded 25 years. Richard Hart said a 50 foot buffer must be between the road
and the first house, Ken said that is the setback. Richard Hart asked if that will be kept
wooded. Ken said he hopes to. Gordon Leedy asked if this is proposing to invoke the
state statute on Workforce Housing. Ken responded not at this time; he has not gone in
that direction but it may be considered. Gordon said that it must be declared at the time
of application and there are state requirements to be met. Gordon suggested that since
there is open space on the east end of this property, Ken might consider flipping the
hammerhead and put it between units 4 and 5. Ken thought that could be considered.
Arnie agreed that he would like to have a site walk. Ken responded that he could get that
arranged once the application is submitted.

Ken said assuming they will come in under the Town Ordinance, he would like some
financial information. If following the state ordinance, does the application still need to
meet the local ordinance? Gordon said yes, but there are appeal rights under the RSA.
Marilyn indicated the lease terms need to be cleared and the organization must be
familiar with the guidelines and the lessors must meet those guidelines. Sally indicated
that the applicant should structure something for the rentals that is within the guidelines
to maintain the financial part of Workforce Housing or Affordable Housing. Marilyn
said there are no exceptions in Affordable Housing for the individuals that rent, they must
meet the income guidelines.

Lot 6-50 Baboosic Lake Road and Spring Road: *Subdivision – Rough Diamond,*
LLC

Requests for waivers for fiscal impact study, environmental impact study, traffic impact
study, hydro-geological and stormwater drainage. Typically the Board defers the waivers
until after hearing the presentation.

John Dunn, 75 Spring Road, owner of 36 Baboosic Lake Road, explained this is a 9 acre
parcel he would like to subdivide into three lots. Lot 6-50-1 will share a portion of the
existing main house driveway, lot 50-2 would use the driveway on the north side, both
have existing gravel driveways requiring minor grade work, Pennichuck Water is
available for all three lots. A 4-inch main is already across the street. John spoke with
Bruce yesterday to identify any concerns. One concern was if there would be an issue
getting fire apparatus up the driveway. Test pits show septic could be supported.

Sally indicated the septic systems will be interesting, are they designed yet? John said
not yet. Sally said the lots are steep. John agreed, the lot has been approved, some
clearing has been started, and it is a beautiful piece of property. Marilyn noted the
driveway is cut around the barn area. John said he believes that is due to pulling a horse
trailer that was there previously. Gordon asked if the intent on the access to lot 50-2 is to
use the existing curb cut, but will a new driveway be cut in the back? John responded
that there are two pieces of frontage, lot 50-2 is shaped like a compass. There is access
already in place, it goes around the barn which is on the existing residence. John will use

the existing curb cut, but the road will go around and tie in. Gordon asked what the grade of the driveway is. John indicated it is not that steep. Gordon thought it looked like 12% and brings it up only because there have been issues in the past with steep driveways. Charlie noted if the driveway is steep, they must leave space at the public road to park. John said he could put it into 4 wheel drive and get up it this past winter. It is only a short section. Gordon feels it is a long, steep driveway. John talked with Matt of the Fire Department and Matt felt it would not be a problem. Sally feels the other problem is that there is nowhere to “tack” up the hill by going back and forth. Gordon wants to be sure everyone understands what this is about. Sally suggested having a site walk and have a fire department representative attend. John said it is quite wide.

Arnie asked if there were any abutters or interested parties. There were none.

Arnie asked about the waivers. Sally does not think stormwater drainage should be waived, but has no problem with the others. Marilyn asked if there is anything in writing from the Fire Department yet. Charlie said no. Cliff Harris asked if any additional clearing will be done. John said lot 50-1 will have additional clearing. Charlie said the Fire Department comments include access and grade concerns, but that was the initial comment and he has not heard anything additional since talking with John. Arnie asked if the Board would prefer to do the site walk prior to acting on the waivers. Marilyn would like the fire safety issue addressed. The driveway is a concern but if the Fire Department says it is okay, she is satisfied.

Sally suggested voting on the waivers,

Sally Wilkins moved to approve all waiver requests except stormwater drainage. Gordon seconded. All were in favor.

Gordon said we do not have the stormwater management information, so the Board cannot act on this tonight. Charlie recommended accepting the waivers the Board is comfortable with and tell the applicant that the Board needs the stormwater report prior to moving forward.

Gordon Leedy moved to table this to the next meeting on May 4, in anticipation of receiving the drainage calculations and a letter from the Fire Department. Mike Dell Orfano seconded. All were in favor.

John will be here May 4, so if the stormwater drainage data is available he said he will provide that as well.

Lot 6-100 Baboosic Lake Road: *Subdivision and Water Resource Management Plan (WRMP)* – Normande L. Fortier, Trustee of the Normande L. Fortier Revocable Trust, and Raynald L. Fortier, Trustee of the Raynald L. Fortier Revocable Trust

Request for waivers for fiscal impact, environmental impact study, traffic impact study, stormwater drainage, and hydro-geological impact. Charlie’s comment is that extension of the building and zoning violation on this site should not be extended. Charlie does not

believe the Planning Board has the authority on this request. Charlie noted an addition has been constructed in the rear of the building and is in clear violation of the wetland setback. Charlie does not believe the Board has the authority to approve anything on this case.

Mike agreed this Board can't hear this presentation, knowing there is a violation on the site. Charlie indicated the Board can hear it but he does not believe it can take any action on it. Gordon noted no application can be accepted for review when there are existing tax liens or zoning violations unless the plan is to correct the violations. Arnie would like to hear from the applicant. Charlie stated the Board should be clear with the applicant that this is no indication that the Board will accept the application. Arnie said the Planning Director has given an opinion that this property is in violation of zoning ordinance and the Board should not hear any presentation and cannot act on any application.

Attorney Alex Buchanan, representing the applicant, expressed that the violation is the reinstallation on the back of the trailer that was on the deck. The deck preceded the client. There is nothing on record showing the deck on the existing building. When the deck was being replaced, it was noted that there was no such deck on the plan, therefore it appeared to be in violation. The violation existed for 20 years and it was then being fixed and improved, but was never identified as a violation by the Town. Charlie stated the first subdivision plan shows the stoop and the new addition that doubles that size. Alex said the tenant that did the work did not understand that a permit was needed.

Arnie said the BOS have the authorization to tell the Planning Director to back off on the enforcement. The parcel is in violation and you are asking for the enforcement to be held off. Gordon does not think the Planning Board has the authority to act on this case or address the situation of a conditional approval based on a higher authority telling the Planning Director to back off on enforcement. Alex asked if the Board can just listen to the case and possibly make a conditional decision. Gordon said that is not how we do things; if you need a Variance, the applicant must go to the ZBA first. Arnie suggested this Board decide how to move forward.

Marilyn said they are asking for a discussion without determination. Gordon indicated this Board could do that but the issue with providing feedback, is that in order to start the process? We would have to accept the application but we cannot accept the plan because it is not in conformance. Arnie indicated if tonight there was a discussion, anything tonight would be just comments and not anything binding, so if this is brought forward, it would not save any time because the entire presentation would need to be done again and re-noticed. If it is just a discussion, it must be just that, and not the entire plan, and it must be short. Sally asked if this is about the deck. Charlie said pretty much. Gordon said it is for a temporary placement of a trailer and it was never temporary. Sally asked why the deck wasn't removed and then come back. Gordon asked if there is more than just the deck. Charlie indicated there is an addition and a deck. Cliff asked why this error should continue. The problem should be fixed and then the applicant can come back; maybe there is a lack of enforcement, okay, but one person can do only so much,

185 but now that the error is identified it should be fixed and then they can come back, and
186 we can stand behind the Planning Director who wants the problem fixed.

187
188 Dawn Tuomala, LLS, from Monadnock Survey and representing the owners, addressed
189 some of the background with the violations. The owner purchased in 2009 and in 2010
190 Charlie came to the property to witness several test pits and saw the violation. In 1987,
191 the mobile home was placed on the property. A temporary building permit was issued.
192 The violation was the deck but it has been compounded with the trailer being in the 25
193 foot buffer. Instead of going to the ZBA for a Variance, the applicant came in for a two
194 lot subdivision and asking for time because of economic conditions. This lot also had a
195 lot of junk on the lot and Mr. Fortier has been working on that, this explains why this
196 came to the Planning Board first. The goal is to correct the violation. Arnie appreciates
197 that information, however, this Board does not have the authority to make that decision.

198
199 *Mike Dell Orfano moved to refuse to accept the application because of the existing*
200 *violations currently tied to the land. Gordon Leedy seconded. All were in favor.*

201
202 **OLD/NEW BUSINESS:**

203
204 Regional impact:

205
206 Lot 2-50 NHRTE. 101A - Amherst Business Center for Revisions to the Sign Master
207 Plan

208 *Sally Wilkins moved no regional impact. Gordon Leedy seconded. All were in favor.*

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210 *Gordon Leedy moved to adjourn at 9:00 p.m. Seconded by Sally Wilkins. All were in*
211 *favor.*

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213
214 Respectfully submitted,

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216
217 Darlene J. Bouffard
218 Recording Secretary